

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AUSTIN A. SAFRANEK,

Plaintiff,

v.

HON. CHRISTINE E. WORMUTH, in her official capacity as Secretary of the Army and LTG STEVEN W. GILLAND, in his official capacity as Superintendent of the United States Military Academy at West Point,

Defendants.

23 Civ. 5985 (JCM)

STIPULATION AND ORDER OF DISMISSAL

WHEREAS, on July 12, 2023, Plaintiff Austin A. Safranek (“Plaintiff”) filed a complaint commencing the above-captioned action (the “Action”) against Defendants Christine E. Wormuth, in her official capacity as Secretary of the Army, and Lt. Gen. Steven W. Gilland, in his official capacity as Superintendent of the U.S. Military Academy at West Point (“Defendants”), seeking judicial review of a decision by the Army Board for Correction of Military Records (“ABCMR”) denying his application for correction of military records;

WHEREAS, on October 2, 2023, this matter was voluntarily remanded to the ABCMR, *see* ECF No. 16; and

WHEREAS, on March 4, 2024, the ABCMR issued its decision on remand, granting Plaintiff the relief he sought in this Action;

IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their respective counsel, that:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), this Action is dismissed with prejudice; provided, that the Court shall retain jurisdiction to adjudicate any application by Plaintiff for attorney's fees and expenses pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

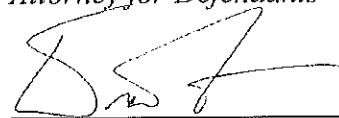
Dated: New York, New York
May 29, 2024

LYNN OCCHIPINTI, LLP
Attorney for Plaintiff

BY: Edward G. Williams
EDWARD G. WILLIAMS, ESQ.
90 Broad Street, 10th Floor
New York, New York 10004
Tel: (212) 239-5500
Cell: (917) 873-3075
egwilliams@lynnocch.com

Dated: New York, New York
May 29, 2024

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
Attorney for Defendants



BY: David E. Farber
DAVID E. FARBER
Assistant United States Attorney
86 Chambers St., 3rd Floor
New York, New York 10007
Tel: (212) 637-2772
david.farber@usdoj.gov

SO ORDERED:

Judith M. McCarthy
HON. JUDITH M. McCARTHY, U.S.M.J.

5-29-2024